

DAVID DUVALL,
Plaintiff,

v.
NOVANT HEALTH, INC.,
Defendant.

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Civil Action No. 3:19-cv-624-DSC

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DAVID DUVALL,

PLAINTIFF,

v.

NOVANT HEALTH, INC.,

DEFENDANT.

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) C.A. No.

) 3:19-cv-00624-DSC

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VIDEOTAPED DEPOSITION OF DAVID DUVALL
(TAKEN by DEFENDANT)
CHARLOTTE, NORTH CAROLINA
JUNE 26, 2020

ALSO PRESENT: Mindy Staley, Esq.

VIDEOGRAPHER: Andrew Smith

REPORTED BY: Meredith R. Schramek

Registered Professional Reporter

Notary Public

1 A I get a lot of invitations to speak, to
2 coauthor articles, to attend conferences.

3 Q Okay. Now, are there additional messages
4 between you and Terri Cardwell on your LinkedIn
5 messaging?

6 A No.

7 Q Did you respond to Ms. Cardwell's final
8 message on December 10th?

9 A I don't believe I did.

10 Q Do you know one way or another sitting here
11 today under oath?

12 A I don't believe I did. I believe that string
13 ended there.

14 Q To your knowledge, have you messaged with
15 anyone else through the LinkedIn platform relating to
16 your employment with Novant Health or your termination
17 from Novant Health or this lawsuit?

18 A No.

19 Q You have not done so, or you don't know?

20 A I have not done so on the LinkedIn platform,
21 no.

22 Q On the LinkedIn platform, did you message
23 people regarding potential opportunities for
24 replacement employment either after your termination
25 from Novant or after your termination from Henry Ford?

1 A I've responded to people who have reached out
2 to me regarding employment opportunities on the
3 LinkedIn platform.

4 Q Can you provide those messages?

5 A They have been.

6 MR. LARGEES: We'll talk. I'm not sure what
7 you're referring to. When you say, "I have them," I
8 don't know --

9 THE WITNESS: I said, "They have been."

10 MR. LARGEES: "They have been." I thought
11 you said --

12 THE WITNESS: Any activity that's --

13 MR. LARGEES: We'll clear that up. I thought
14 you said that I have them. I didn't know what you're
15 talking about. We'll clear it up.

16 BY MR. HOLLAND:

17 Q Since apparently it has not been done, on
18 this point, I want to address a couple things. One,
19 let me formally state, which is self-evident, when any
20 lawsuit is filed or threatened, please do not delete
21 any additional communications, electronics or
22 otherwise, relating to this lawsuit, your employment
23 with Novant Health, your termination from Novant
24 Health, any articles that can be written, any articles
25 relating to Henry Ford, any communications relating to

1 want to talk about your efforts to find employment
2 following your termination from Novant. When did you
3 first start applying for positions following your
4 termination from Novant?

5 A I technically didn't apply. These are all
6 through national search firms that had contacted me.
7 They all started really in -- they all started coming
8 in September-ish of 2018, and they successively came in
9 all the way through the first quarter of 2019.

10 Q And I see some interviews here like the Johns
11 Hopkins that we already talked about, that you
12 interviewed but you didn't get it; correct?

13 A Yes.

14 Q I see a reference here to M Health Fairview.

15 A Yes.

16 Q And that's the University of Minnesota
17 Medical Center?

18 A Yes.

19 Q And it appears that you were offered that
20 position -- or you withdrew from consideration of that
21 position; is that correct?

22 A Yes.

23 Q Why is that?

24 A Former CEO and someone that I had gotten to
25 know through the Health Management Academy Association

1 reported to the CEO; and, two, it included experience.

2 Q Patient experience?

3 A Yes. For the whole system.

4 Q How big is the Henry Ford Heath System?

5 A About 7 billion in revenue. Novant Health
6 was about 5.

7 Q Okay. Also when you took the job with Henry
8 Ford, you also negotiated a 150,000 relocation award
9 and a \$100,000 signing bonus; correct?

10 A Yes.

11 Q Ultimately you were terminated from Henry
12 Ford?

13 A Yes.

14 Q Can you tell me about that? What do you know
15 about it I guess?

16 A On, I guess, December 31st, we were still on
17 a break. My administrative assistant just said, "Hey,
18 heads up. There's a meeting that popped on your
19 calendar with Wright on January 6th at the end of the
20 day for 30 minutes." And it was a little out of the
21 ordinary because normally I meet with him for
22 90 minutes at a minimum.

23 And I walked into his office. And he and
24 Nina Ramsey were there. And he said, "Sit down." And
25 he said, "There's no one single reason, but we're going

1 to exit you from the organization. We don't think this
2 is the right environment."

3 And I said but I'm confused because, by all
4 their accounts, I was crushing it. I mean, we had
5 accomplished in ten months what would have took two
6 years to almost do at Novant Health. And I said, "You
7 know, it seems like a but-for situation. But for the
8 lawsuit, we wouldn't even be having this conversation."

9 He said, "No, no, no. I don't care about the
10 lawsuit." He said it's just not the right environment.

11 Q And that was it?

12 A Pretty much.

13 Q Okay. In discovery, your lawyer produced a
14 letter -- and, again, this is all subject to a
15 protective order -- that your previous counsel two
16 lawyers ago, Mr. Sam Morgan, sent to Henry Ford Health
17 System. In the conversation with Mr. Lassiter -- and
18 that's Wright Lassiter; correct?

19 A Right.

20 Q And that's the CEO of Henry Ford?

21 A Yeah.

22 Q There's a reference to him telling you during
23 that meeting in which you found out about your
24 termination of salacious allegations. What did you
25 take that to mean?

1 A Yes.

2 Q -- at the time?

3 A Sam Morgan.

4 Q Are all the factual representations in
5 Exhibit 25 true and accurate?

6 A Yes.

7 Q Okay. So there are some additional details
8 about the conversation with Mr. Lassiter such as
9 Mr. Lassiter told you that your lawsuit caused him to
10 question your commitment to Henry Ford?

11 A Yes.

12 Q Did he expand on what he meant by that?

13 A He did not.

14 Q Okay. And he specifically referenced the
15 request for reinstatement; correct?

16 A That was what created a substantial doubt in
17 junior people's minds. What I was told is that many
18 members of my team believed that I was -- I had a
19 strong desire to return to Novant Health if they'd
20 reinstate me. And obviously, he said, "I know that but
21 they don't." And that created a huge sort of problem
22 for him, that they felt like my loyalty was in question
23 when, in fact, it was just a legal obligation to state
24 that.

25 Q In fact, are you seeking reinstatement at

1 settlements?

2 A Restate the question.

3 Q I'll just ask the direct question. Since
4 2018, have you received -- I'm sorry -- 863,000 and
5 change in settlement proceeds?

6 MR. LARGEES: I'm going to object.

7 Go ahead.

8 THE WITNESS: Well, I've not fully received
9 the Henry Ford proceeds. Those are going to be paid
10 out through the end of the year. So this payment is
11 accurate. And the math you did on Henry Ford in total
12 over a 13-month period of time is also accurate.

13 BY MR. HOLLAND:

14 Q Let me put it a different way then. Since
15 2018, would you agree that you've received commitments
16 from two companies for settlements in the total amount
17 in excess of \$860,000?

18 MR. LARGEES: Objection to the form.

19 But you can answer.

20 THE WITNESS: Yes.

21 BY MR. HOLLAND:

22 Q Okay. Tell me a little bit about what your
23 job efforts have been since the \$700,000 settlement
24 with Henry Ford to find replacement employment?

25 A Sure. I believe that we provided

1 documentation on that. So that would be all of the
2 contact I've had with recruiters regarding
3 opportunities that were presented to me. One of them,
4 Cape Fear Health System. One was with Partners in
5 Boston. The Brigham and Women's Mass General Health
6 System. And the third one -- it's a late day, guys.
7 Cape Fear.

8 Q Ohio State?

9 A Ohio State. Thank you. Yeah, yeah.

10 Q Okay. Fair to say that you -- did you --
11 strike that.

12 Did you turn down a position with Cape Fear
13 Medical System?

14 A I didn't turn it down. We never even got
15 into active discussions.

16 Q Would we call that withdrawing from
17 consideration?

18 A Yes.

19 Q Because the system was too small?

20 A The scope of the position as well. Yes.
21 It's a billion dollar system with a team of ten people
22 and two reports.

23 Q And what did that position pay if you can
24 recall?

25 A We didn't even get into that.

1 Q Okay.

2 A The recruiter herself said, you know,
3 "Frankly, I also -- when I reached out to you, it was
4 more for networking. I thought it was going to be too
5 small for you as well," something to that effect.

6 Q What is the status of the Ohio State
7 opportunity?

8 A I had a conversation with the recruiter two
9 or three weeks ago. It was the introductory call, and
10 we went through, you know, the typical 15, 20 minutes
11 of pleasantries about the scope of the position. And I
12 asked her if she was familiar that I was no longer at
13 Henry Ford. And she said, "Yes. I wanted to talk
14 about that."

15 And so in the spirit of full disclosure, I
16 said, "Are you aware of, you know, any of the
17 circumstances surrounding that?" And I at a very, very
18 high level said, you know, "There are some things in
19 the media about it that you should be aware of."

20 And she said, "Okay. Well, I appreciate
21 that. I'll take it back to the leadership team. And
22 if we're interested in, you know, continuing
23 discussions, we'll reach back out to you."

24 Q Was that one of the initial calls with the
25 recruiter?

1 Are you aware -- take a look at it. Are you
2 aware of any other e-mails that you may have regarding
3 other jobs that you may have pursued or had brought to
4 your attention since your termination at Henry Ford?

5 A No.

6 Q Are you currently looking for positions or
7 are you still working with your network to see what
8 opportunities are out there?

9 A I'm actively looking. I mean, the way -- to
10 be honest with you, the way it works -- or frankly, I
11 should say. All this is honest -- is that at this
12 level, we don't typically apply for jobs. Your
13 availability becomes -- recruiters become aware of your
14 availability or if you're not available and they see
15 there may be a good fit, they reach out to you. And
16 I've had very good luck with that sort of activity.

17 Q Okay. So you mentioned "at this level." So
18 you're at such a level that you can't even apply for
19 jobs at this point?

20 A It's typically not done.

21 Q So you haven't actually applied. Recruiters
22 have brought opportunities --

23 A Yes.

24 Q -- to you --

25 A Yes.

1 Q -- correct?

2 A Yes.

3 Q One thing we haven't talked about and I don't
4 see anything on is this Partners or Mass General
5 opportunity.

6 A It was in the first round.

7 Q Of discovery --

8 A Yes.

9 Q -- that was produced?

10 A Yes.

11 Q And what ultimately happened with the
12 Partners position?

13 A They never called back.

14 Q Before moving to hopefully quickly through
15 the tax returns, I'm going to ask some follow-up
16 questions. Aside from what we discussed here today,
17 any reason -- any other reasons that make you believe
18 that your termination from Novant had anything to do
19 with this termination?

20 A No.

21 Q Aside from what we've discussed here today
22 any other reasons that you believe that your
23 termination was in any way related to severance or a
24 severance plan?

25 A Yes. Any other reasons?